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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,759

02/20/2004

Howard A. Fromson

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03/16/2005

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EXAMINER

EICKHOLT, EUGENE H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

11.8

Office Action Summary	Application No. 10/783,759	Applicant(s) FROMSON ET AL.	
	Examiner Eugene H. Eickholt	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-24-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2-20-04, 1-24-05</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2854

The election of species requirement stands withdrawn. All claims are being examined.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

No antecedent basis is present for "said scanning".

Claims 1-2, 9, 13-17 and 20 of this application conflict with claims 1-5, 7, 10-11, 16-17, 24-25 and 27 of Application No. 10/826535. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1-2, 9, 13-17 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 7, 10-11, 16-17, 24-25 and 27 of copending Application No. 10/826535. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 24-25 of the co-pending application make obvious the subject matter of claims 1 and 14. An insoluble coated area necessarily remains to produce the imaged lithographic plate although not recited in the claims of the copending application.. Claim 1 of the instant application calls for " mounting means for mounting

Art Unit: 2854

said print head above said conveying means". This is taught by claim 24 of the copending application calling for "the presence of a plate under said printhead means". Claim 24 also teaches the conveying means. Claim 17 of the co-pending application call for detecting plate ends and controlling feeding of developer solution which make obvious the control means of claims 1 and 14.

Claim 26 of the copending application teaches the stationary jetting printhead of claim 2 of the present application. Claim 17 teaches the leading and trailing sensors of claim 9.

Claim 3 calls for "a source of developer" which reads on the claim 13 reservoir.

Claim 1 calls for "rinsing" to remove developer and dissolved material which reads on claim 15.

Claim 16 calls for water rinsing which reads on claim 16 of the instant application.

The water since also reads on the claim 17 step of discharging of the instant application.

Claim 26 teaches the stationary jetting printhead of claim 20.

Claims 3-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application No. 10/826535 in view of Gelbart.

This is a provisional obviousness-type double patenting rejection.

The claims of 10/826535 do not disclose a linear plurality of discrete printheads. Gelbart teaches this is a well known and common array used for multiple printheads.

Art Unit: 2854

See the abstract of Gelbart. It would have been obvious to apply multiple discrete ink jets linearly arranged as the printheads of 10/826535. Motivation would have been the ability to remove and repair different ink jet heads. See col. 3, lines 48-51. Use of a printhead as wide as the width of the plate would be obvious to ensure one-press coating as recited in claim 3 of the instant application.

Figure 1 of Gelbart shows the first row of inkjet cartridges in a linear form with the second row teaching a staggered form as recited in claim 5. See col. 6, lines 8-15 wherein the advantage of accurate spacing of nozzles is taught. It would have been obvious to seek such a staggered arrangement of the 10/826565 nozzles as claim 1 calls for a uniform coating.

Claim 10 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent application 10/826535 in view of Michiels et al .

This is a provisional obviousness-type double patenting rejection.

Detection of leading and trailing edges are taught by claim 17 of the co-pending application but not the type of sensor.

Michiels et al teaches optical sensors can be used to find the area of a sheet to be exposed to a developer. See the abstract. It would have been obvious to use optical sensors of Michiels et al to learn the plate area of the co-pending application so that proper amounts of developer could be applied.

Art Unit: 2854

Claims 11-12 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 would be further considered with a view towards allowance provided then 35 USC 112 scanning defect is cured.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A shortened statutory period of 3 months is set to respond.

Eickholt/ds

03/09/05.


EUGENE H. EICKHOLT
PRIMARY EXAMINER